(*Chapter V—General.*)

Jurisdiction of Civil Courts ousted in certain cases.

[1][33. No Civil Court shall have authority to take into consideration or decide any question regarding the rates or amounts of the quit-rent or payment, under section 27 imposed or levied under this Act.]

In certain cases Board of Revenue to dispose of appeals made to District Collectors.

34. If the officer to whom an appeal is presented under this Act in the capacity of District Collector happens to be the officer who passed the decision which is appealed against in the capacity of Revenue-officer in charge of a division, he shall report the fact to the Board of Revenue, and the appeal shall be disposed of by the said Board, whose decision shall be final.

MADRAS ACT No. III OF 1895.[2]

[THE MADRAS HEREDITARY VILLAGE-OFFICES ACT, 1895.]

[*8th April* 1895 ; *1st July* 1895.]

An Act to repeal Madras Regulation VI of 1831, and for other purposes.

Preamble.

WHEREAS it is expedient to provide more precisely for the succession to certain hereditary village-offices in the Presidency of Madras ; for the hearing and disposal of claims to such offices or the emoluments annexed thereto ; for the appointment of persons to hold such offices and the control of the holders thereof ; and for certain other purposes ; It is hereby enacted as follows :—

Title, commencement and extent.

1. (1) This Act may be called the Madras Hereditary Village-offices Act, 1895 ; and it shall come into force from such date as may be notified by Government.[3]

(2) Section 5 applies to the whole of the Presidency of Madras ; the rest of the Act applies to the whole of the said Presidency except the scheduled districts as defined in the Scheduled Districts Act, 1874. Central Act XIV of 1874.

[1]This section was substituted for the original section 33, by Madras Act III of 1914, section 14.

[2]For Statement of Objects and Reasons, *see Fort St. George Gazette* Supplement, dated 7th November 1893, p. 2 ; for Report of the Select Committee, *see ibid*, dated 12th November 1893, p. 1 ; for further Report of the Select Committee, *see ibid*, dated 5th February 1895, p. 1 ; for Proceedings in Council, *see ibid*, dated 21st November 1893, p. 21 ; *ibid*, dated 4th December 1894, p. 8 ; *ibid*, dated 5th February 1895, p. 18 ; *ibid*, dated 2nd April 1895, p. 9 ; *ibid*, dated 30th April 1895, p. 1 ; and *ibid*, dated 28th May 1895, p. 1.

It has been extended under s. 5 of the Scheduled Districts Act, 1874 (Central Act XIV of 1874), to all the Scheduled Districts in the Godavari district with the exception of the Ducharti and Guditeru Muttas—*see Gazette of India*, 1896, Pt. 1, p. 249.

This Act is not in force in the taluks of Nugur, Albaka and Cherla, *vide* section 2 (2) of the Nugur, Albaka and Cherla Laws and Cesses Regulation, 1909 (Reg. I of 1909).

[3]The Act was brought into force from 1st October 1895—Revenue Notification No. 464, dated 22nd August 1895, *Fort St. George Gazette*, 1895, Part I, Page 1002.

Repeal.

2. (1) [1] * * * * * * On and after the commencement of this Act, no portion of Madras Regulation XXIX of 1802 shall continue to apply to any local area which is not a permanently-settled proprietary estate.

Amendment of Central Act XXIV of 1859.

(2) From the preamble of Act XXIV of 1859 (an Act for the better regulation of the Police within the territories subject to the Presidency of Fort St. George), the words "and improve the condition of the village police" shall be omitted; and, for the definition of the word "Police" in section 1 of the same Act, shall be substituted the following clause, namely :—

"The word 'Police' shall include all persons appointed under this Act."

Amendment of Madras Act II of 1894.

(3) In clause (*c*) of the definition of the word "Estate" in section 4 of the Madras Proprietary Estates' Village Service Act, 1894, after the word "palaiyam" shall be inserted the words "or jaghir"; and, in sub-section (1) of section 15 of the same Act between the words "among the" and the words "holders of the offices," shall be inserted the words "families of the last."

Classes of village-offices to which Act applies.

3. This Act shall apply to the following classes of village-offices, provided that emoluments have been attached thereto :—

[2] (1) hereditary village-offices existing in ryotwari villages or inam villages which for the purpose of village administration are grouped with ryotwari villages and belonging to the following six classes, by whatever designation they may be locally known, namely :—

(i) village munsifs,

(ii) potels, monigars and peddakapus,

(iii) karnams,

(iv) nirgantis,

(v) vettis, totis and tar dalgars,

(vi) talayaris.

The [3][State Government] shall have power to decide what officers come under any of the above classes ;

Madras Act II of 1894.

(2) hereditary village-offices to which the Madras Proprietary Estates' Village Service Act, 1894, is extended ;

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[1]The words and figures "Madras Regulations II of 1806 and VI of 1831 are hereby repealed and" were repealed by the Repealing and Amending Act, 1901 (Central Act XI of 1901), Third Schedule.

[2]This clause was substituted by the Repealing and Amending Act, 1907 (Central Act IV of 1907), Schedule A.

[3]The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

(3) other hereditary village-offices in proprietary estates except (i) the offices forming class (4) below and (ii) in proprietary estates wherein Madras Regulation XXIX of 1802 remains in force, the office of village accountant ;

(4) the hereditary offices of village artizans and village servants such as the following, namely :—

(i) the village carpenter,
(ii) the village blacksmith,
(iii) the village barber,
(iv) the village washerman,
(v) the village potter,
(vi) the village astrologer,
(vii) the village purohit or priest.

Definitions.

4. In this Act, unless there is something repugnant in the subject or context,—

" Emoluments " means and includes—

(i) lands ;
(ii) assignment of revenue payable in respect of lands ;
(iii) fees in money or agricultural produce ;
(iv) money-salaries and all other kinds of remuneration ;

granted or continued in respect of, or annexed to, any office by the State.

" Proprietary estate " and " Proprietor " mean, respectively, an Estate and Proprietor as defined in the Madras Proprietary Estates' Village Service Act, 1894, as amended by this Act. Madras Act II of 1894.

" Village " means any local area now recognized as a village or hereafter declared by Government to be a village.

Emoluments attached by the State to certain offices inalienable and not liable to attachment.

5. The emoluments of village-offices, whether such offices be or be not hereditary, and, in the scheduled districts as defined in the Scheduled Districts Act, 1874, all such emoluments and other emoluments granted or continued in remuneration for the performance of duties connected with the collection of the revenue or the maintenance of order, shall not be liable to be transferred or encumbered in any manner whatsoever and it shall not be lawful for any Court to attach or sell such emoluments or any portion thereof. Central Act XIV of 1874.

Villages may be grouped or divided.

6. (1) [1] [In any local area in which this Act is in force] the Board of Revenue may, subject to rules made in this behalf under section 20, group or amalgamate any two or more villages or portions thereof so as to form a single new village, or divide any village into two or more villages and, thereupon, all hereditary village-offices [2][of the classes defined in section 3,

[1]These words were substituted for the words and figures " In any local area in which the Madras Village Cess Act, 1893, is in force " by the Repealing and Amednding Act, 1907 (Central Act IV of 1907), Schedule A.

[2]These words and figures were substituted for the words " to which the said Act applies " by *ibid.*

clause (1), of this Act] in the villages or portions of villages or village grouped, amalgamated or divided as aforesaid, shall cease to exist and new offices, which shall also be hereditary shall be created for the new village or villages. In choosing persons to fill such new offices, the Collector shall select the persons whom he may consider the best qualified from among the families of the last holders of the offices which have been abolished. Effect of grouping and division upon village offices.

(2) If two or more village-offices exist [1] [in any ryotwari village or in any inam village which for the purpose of village administration is grouped with a ryotwari village] the Board of Revenue may, subject to the approval of Government, direct that the number of such village-offices shall be reduced and, thereupon, the Collector shall dispense with the services of the officers no longer required, and shall retain those whom he may consider to be best qualified to discharge the duties of the remaining offices. Reduction of village-offices.

[2][(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), no person shall be deemed to be ineligible for selection under sub-section (1) or retention under sub-section (2) by reason only of his being a minor. If a minor is selected under sub-section (1) or retained under sub-section (2), he shall be registered as the holder of the office and thereafter the procedure laid down in sub-section (5) of section 10 shall be adopted.]

7. (1) [3][The Collector may, of his own motion or on complaint and after inquiry— Power of Collector over village officers in Government villages and proprietary estates.

(*a*) suspend or remove the holder of any of the offices forming sub-classes (i), (ii) and (iii) of class (1) in section 3, if he petitions to be adjudged an insolvent or is adjudged an insolvent ; and

(*b*) fine, suspend, dismiss or remove the holder of any of the offices forming class (1) in section 3, and suspend, dismiss or remove the holder of any of the offices forming class (3) in the said section, for misconduct or for neglect of duty or incapacity or for non-residence in the village or for any other sufficient cause.

The Collector shall make a record of his reasons for passing an order under clause (*a*) or clause (*b*) and furnish a copy of the same to the village-officer concerned:]

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[1]These words were substituted for the words and figures " in any village in which the Madras Village Cess Act, 1893, is in force " by the Repealing and Amending Act, 1907 (Central Act IV of 1907), Schedule A.

[2]Sub-section (3) was inserted by section 3 of the Madras Village-offices (Amendment) Act, 1930 (Madras Act VII of 1930).

[3]These paragraphs were substituted for the original paragraph by section 3(*a*) of the Madras Proprietary Estates' Village Service and Hereditary Village-offices (Amendment) Act, 1941 (Madras Act XVIII of 1941), re-enacted permanently by section 2 (1) of, and the First Schedule to, the Madras Re-enacting Act, 1949 (Madras Act X of 1949).

Proviso.

Provided that, when a Village Munsif who is also the head of the village is suspended or removed under the Madras Village Courts Act, 1889, such suspension or removal shall involve his suspension or removal from the office of head of the village.

Madras Act I of 1889.

Power of Tahsildar and Deputy Tahsildar over village-officers in Government villages.

(2) A Tahsildar or Deputy Tahsildar may, of his own motion or on complaint and after inquiry, fine the holder of any of the offices forming class (1) in section 3, for any of the causes specified in [1][clause (*b*) of sub-section (1)] and in such amount as the Board of Revenue may, by general or special order, prescribe. The provisions of sub-section (1) in regard to the recording of reasons and the furnishing of copies shall apply to proceedings taken under this sub-section.

Power of proprietor over village-officers in proprietary villages.

8. A proprietor may, of his own motion or on complaint and after inquiry, suspend, dismiss or remove the holder of any of the offices in his estate forming class (3) in section 3, except the village accountant, the head of the village and the village watchman or police-officer, for misconduct or for neglect of duty or incapacity or for non-residence in the village or for any other sufficient cause, and shall make a record of his reasons for so doing in writing and furnish a copy of the same to the village-officer concerned :

Limitation of power of Collector over certain officers in proprietary estates.

9. The powers conferred on a Collector by sub-section (1) of section 7 over the holders of the village-offices forming class (3) in section 3, except the offices of village accountant, head of the village and village watchman or police-officer shall not be exercised, unless, for reasons to be recorded in writing, the Collector is satisfied that the proprietor concerned has neglected to exercise in an adequate manner the powers conferred on him by section 8.

Rules to be observed in making appointments to certain offices in Government villages.

10. When a vacancy occurs in any of the village-offices forming class (1) in section 3, the Collector shall fill up the vacancy in accordance with the provisions of the following sub-sections :—

(1) [2][No person shall be eligible for appointment—

(i) to any of the offices forming sub-classes (i), (ii) and (iii) of class (1) in section 3, if such person has petitioned to be adjudged an insolvent and the petition is pending disposal or if he, having been adjudged an insolvent, has not obtained an order of discharge ; or

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[1]This expression was substituted for the expression "sub-section (1)" by section 3 (*b*) of the Madras Proprietary Estates' Village-service and Hereditary Village-offices (Amendment) Act, 1941 (Madras Act XVIII of 1941), re-enacted permanently by section 2(1) of, and the First Schedule to the Madras Re-enacting Act, 1949 (Madras Act X of 1949).

[2]These words and figures were substituted for the words "No person shall be eligible for appointment who" by section 3 (*c*) *ibid.*

(ii) to any of the offices forming class (1) in section 3, if such person] General qualifications requisite in all cases.

[1][* * * *]

(*b*) has not attained the age of majority ;

(*c*) is not physically and mentally capable of discharging the duties of the office ;

(*d*) has not qualified according to the educational test prescribed for the office in question by the Board of Revenue by rules made under section 20 ;

(*e*) has been convicted by a Criminal Court of any offence which, in the opinion of the Collector, disqualifies him for holding the office.

[2][(*f*) has been dismissed from any post under the Government on any ground which the Collector considers sufficient to disqualify him for holding the office.]

(2) The succession shall devolve on a single heir according to the general custom and rule of primogeniture governing succession to impartible zamindaris in Southern India. Primogeniture to be observed.

(3) Where the next heir is not qualified under sub-section (1), the Collector shall appoint the person next in order of succession who is so qualified, and, in the absence of any such person in the line of succession, may appoint any person duly qualified under sub-section (1). In certain cases person other than direct heir may be appointed.

(4) Where an office has become vacant by the dismissal, [3][removal] or suspension of the last holder, the Collector may direct that, until the death, [3] [re-appointment] or return to duty of such last holder, the duties of the office shall be performed by some person duly qualified under sub-section (1) who is not an undivided member of the family of the dismissed, [3][removed] or suspended officer ; provided that, when the officer who has been dismissed, [4] [or removed] dies, or if the officer who has been suspended dies while under suspension, the vacancy caused by such death shall be filled up in accordance with the provisions of sub-sections (2) and (3). Temporary disqualification of heir in certain cases.

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[1]The letter and words " (*a*) is not of the male sex ; " were omitted by the Adaptation (Amendment) Order of 1950.

[2]This sub-clause was added by section 3 of the Madras Proprietary Estates' Village-service and Hereditary Village-offices (Amendment) Act, 1950 (Madras Act IV of 1950).

[3]This word was inserted by section 3 (*d*) of the Madras Proprietary Estates' Village-service and Hereditary Village-offices (Amendment) Act, 1941 (Madras Act XVIII of 1941). This was permanently re-enacted by section 2 (1) of, and the First Schedule to, the Madras Re-enacting Act, 1949 (Madras Act X of 1949).

[4]These words were inserted by *ibid.*

Procedure to be adopted where heir is a minor.

[1] (5) When the person who would otherwise be entitled to succeed to an office is a minor, the Collector shall register the minor as the heir of the last holder and appoint some other person qualified under sub-section (1) to discharge the duties of the office until the person registered as heir, on attaining majority or within three years thereafter, is qualified under sub-section (1) to discharge the duties of the office himself, when he shall be appointed thereto. [2] [If the person registered as heir under this sub-section remains disqualified under sub-section (1) for three years after attaining majority, he shall be deemed to have forfeited his right to the office. On such forfeiture or on his death the vacancy shall be filled up in accordance with the provisions of this section as if he was the last holder of the office.]

Method of filling up vacancy caused by resignation, dismissal, removal or suspension.

(6) If a vacancy is caused by the resignation, dismissal, removal or suspension of the holder of an office, and the Collector does not give the direction referred to in sub-section (4) he shall fill up the vacancy in accordance with the provisions of this section as if it had been caused by the death of the said holder; provided that, upon the expiry of the period of suspension of an officer who has been suspended, or if, for any reason, an officer who has been dismissed, removed or suspended is permitted to resume the office from which he has been dismissed, removed or suspended, the person appointed to fill the vacancy caused by the said suspension, dismissal or removal shall cease to hold office.

Rules to be observed in making appointments to certain offices in proprietary estates.

11. When a vacancy occurs in a proprietary estate in any of the offices forming class (3) in section 3, the proprietor shall fill up the vacancy in accordance with the provisions of the following sub-sections :—

General qualifications requisite in all cases.

(1) No person shall be eligible for appointment who—

[3] [ ]

(*b*) has not attained the age of majority;

(*c*) is not physically and mentally capable of discharging the duties of the office.

Law or custom of succession to be observed.

(2) The succession shall devolve in accordance with the law or custom applicable to the office in question at the date on which this Act comes into force.

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[1] *See* the Madras Proprietary Estates' Village-service and Hereditary Village-offices (Amendment) Act, 1943 (Madras Act XXI of 1943), re-enacted permanently with specified modifications by section 3 of, and the Second Schedule to, the Madras Re-enacting (No. II) Act, 1948 (Madras Act VIII of 1948).

[2] The portion within square brackets was substituted for the last sentence of sub-section (5) of section 10 by section 3 (ii) of the Madras Village-offices (Amendment) Act, 1930 (Madras Act VII of 1930).

[3] The letter and words "(*a*) is not of the male sex;" were omitted by the Adaptation (Amendment) Order of 1950.

(3) Where the next heir has not qualified under sub-section (1), the proprietor shall appoint the person next in order of succession who is so qualified, and, in the absence of any such person in the line of succession, may appoint any person duly qualified under sub-section (1). In certain cases person other than direct heir may be appointed.

(4) When the person who would otherwise be entitled to succeed to an office is a minor, the proprietor shall register the minor as the heir of the last holder and appoint some other person qualified under sub-section (1) to perform the duties of the office until the person registered as heir is qualified under sub-section (1) to discharge the duties of the office himself, when he shall be appointed thereto. [1][If the person registered as heir under this sub-section, on attaining majority, proves to be disqualified under clause (*c*) of sub-section (1), he shall be deemed to have forfeited his right to the office. On such forfeiture or on his death, the vacancy shall be filled up in accordance with the provisions of this section as if he was the last holder of the office.] Procedure to be adopted where heir is a minor.

12. The succession to village-offices forming class (4) in section 3 shall devolve in accordance with the law or custom applicable thereto at the date on which this Act comes into force. In case of village artizans, law or custom of succession to be observed.

13. (1) Any person may sue before the Collector for any of the village-offices specified in section 3 or for recovery of the emoluments of any such office, on the ground that he is entitled under sub-section (2) or (3) of section 10 of the Madras Proprietary Estates' Village Service Act, 1894, or under sub-section (2) or (3) of section 10 or sub-section (2) or (3) of section 11 or section 12 of this Act, as the case may be, to hold such office and enjoy such emoluments; or, being a minor, may sue before the Collector to be registered as heir of the last holder of any such office. Provisions relating to suits for offices for recovery of emoluments and for registry as heir.

Madras Act II of 1894.

Provisos :—

(i) No suit shall be entertained for a mere declaratory decree. No suit for declaratory decree.

(ii) When one of the facts in issue in a suit is whether the emoluments of the office consist of land or of an assignment of revenue payable in respect of land, the Collector shall [2][except where the office is one falling under class (4) in section 3 and the land was on or at any time after the 14th July 1942 in the possession of the person then holding the office] Procedure in case of dispute as to nature of emoluments.

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[1]The portion in square brackets was substituted for the last sentence of sub-section (4) of section 11 by section 3 (iii) of the Madras Village-offices (Amendment) Act, 1930 (Madras Act VII of 1930).

[2]These words and figures were inserted by section 2 of the Madras Hereditary Village-offices (Amendment) Act, 1942 (Madras Act XXVIII of 1942), re-enacted permanently by section 2 (1) of, and the First Schedule to, the Madras Re-enacting Act, 1949 (Madras Act X of 1949).

decide the claim on the assumption that only the said assignment constitutes the emoluments ; but such decision shall not bar the right of the claimant to institute a suit in a Civil Court for recovery of the land itself.

[1] [Where the office is one falling under class (4) in section (3) and the land was on or at any time after the 14th July 1942 in the possession of the person then holding the office, the Collector shall, in the absence of evidence to the contrary, presume that the emoluments of the office consist of the land and not merely of an assignment of revenue payable in respect of the land.]

Rejection of plaint when claimant is ineligible for appointment.

(2) If at any time before the completion of the trial of a suit preferred under this section for any office or for the recovery of the emoluments of any office, it appears to the Collector that the claimant is not eligible for appointment under sub-section (1) of section 10 of the Madras Proprietary Estates' Village Service Act, 1894, or under sub-section (1) of section 10 or sub-section (1) of section 11 of this Act, as the case may be, he shall pass an order rejecting the plaint. Madras Act II of 1894.

Limitation of time within which suits may be brought.

14. (1) No suit preferred before a Collector under the last preceding section shall be entertained which is not preferred within three years from the date of the cause of action arising whether such date be before or after the commencement of this Act :

Limitation in case of minority.

Provided that, in the case of a person who, by reason of minority, was disqualified for holding office, the right to sue for such office or for the recovery of the emoluments thereof shall accrue from the date of his attaining majority :

[2] [Provided further that, in the case of a village office for the holding of which minority is not a disqualification, a suit for such office or for the recovery of the emoluments thereof may be preferred at any time after the cause of action has arisen but before the expiry of three years from the date on which the claimant attains majority.]

Limitation of time within which execution of decree or order may be applied for.

(2) No application for the execution of a decree or order passed under this Act shall be entertained, if made after the expiration of one year from the date of such decree or order.

[3] [(3)]

Limitation when appeal preferred.

(4) In cases in which the decree or order sought to be executed was appealed against, [4][the period of limitation

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[1] This sentence was added by section 2 of the Madras Hereditary Village-offices (Amendment) Act, 1950 (Madras Act XXXVI of 1950).

[2] This proviso was added by section 3 of the Madras Hereditary Village-offices (Amendment) Act, 1942 (Madras Act XXVIII of 1942) re-enacted permanently by section 2 (1) of and the First Schedule to the Madras Re-enacting Act, 1949 (Madras Act X of 1949).

[3] Sub-section (3) was omitted by section 3 (1) of and the Second Schedule to the Madras Repealing and Amending Act, 1951 (Madras Act XIV of 1951).

[4] These words, brackets and figure were substituted for the words, (brackets and figures " the periods of limitation prescribed in sub-sections (2) and (3) " by *ibid.*

prescribed in sub-section (2)] shall commence from the termination of the appeal.

Power of District Collector in regard to transfers of suits.

15. The District Collector may transfer to his own file any suit on the file of any Revenue-officer in charge of a division of the district or from the file of one such officer to that of another, or to the file of an Assistant or Deputy Collector not in charge of a division for disposal.

Procedure to be observed in trying suits.

16. (1) The trial of suits under this Act shall be regulated by rules made by the Board of Revenue under section 20 and by the following provisions :—

Date of hearing to be fixed and parties to be heard.

(i) A date shall be fixed for the hearing of the suit and the same shall be notified to the parties who shall be entitled to be heard in person or by agent ;

Witnesses may be produced or summoned.

(ii) The parties shall be entitled to produce witnesses and to demand that any person whose evidence they require shall be summoned as a witness or that any person shall be summoned to produce a document and the officer trying the suit shall comply with such demand, unless, for reasons to be recorded, he considers it unnecessary to do so ;

Record of proceedings.

(iii) The officer trying the suit shall record in his own hand and in English a memorandum containing the material averments of the parties, the material portions of the evidence, his decision and the reasons therefor.

Obligation to obey summons.

(2) Every person to whom a summons is issued under this section shall be legally bound to obey the same.

Decrees may provide for costs and shall be executed according to rules made by Board of Revenue.

17. Decrees and orders passed in suits under this Act may provide for payment of costs according to such scale and subject to such rules as may be prescribed by the Board of Revenue under section 20, and shall be executed in accordance with rules to be made by the Board of Revenue under the said section.

In certain cases, Collector may refer question of law to Board of Revenue.

18. (1) If, before or during the hearing of a suit under this Act or of an appeal against a decree or order passed in a suit under this Act, or if, in the execution of any such decree, any question of law or usage having the force of law, or of the construction of a document which construction may affect the merits, arises, and the officer trying the suit or appeal or executing the decree entertains reasonable doubt on such question, he may, either of his own motion or on the application of any of the parties, draw up a statement of the facts of the case and the point on which doubt is entertained, and refer such statement for the decision of the Board of Revenue and shall stay further proceedings until the said decision is communicated to him.

Procedure to be followed in case of such reference.

Decision of Board of Revenue not to be contested.

(2) The Board of Revenue shall, if any of the parties so request, hear him or his agent and shall decide the point referred and transmit a copy of its judgment to the officer by whom the reference was made, and the said officer shall, on receipt thereof, proceed to dispose of the case in conformity with the decision of the said Board, and the correctness of the decision of the said Board shall not be contested in any appeal made under this Act.

[1][19.]

Board of Revenue may make rules on certain subjects.

20. The Board of Revenue may, with the approval of Government and after previous publication, make rules not inconsistent with this Act or with the Madras Proprietary Estates' Village Service Act, 1894, in regard to the following matters :— Madras Act II of 1894.

(i) the division, grouping and amalgamation of villages ;

(ii) the holding of inquiries under sections 6, 7 and 8 and the hearing of appeals under section 23 ;

(iii) the educational qualifications required of the holders of the village-offices forming class (1) in section 3 ;

(iv) the procedure to be followed in disposing of suits and appeals from decrees or orders passed in suits and the registers to be maintained in connexion therewith ;

(v) the execution of decrees and orders passed in suits and the taxation of costs ;

(vi) the salaries and other allowances to be assigned to the holders of the village-offices forming class (1) in section 3 and the method of their payment ;

(vii) the duties of the holders of the village-offices forming classes (1) and (3) in section 3, and the descriptions and forms of the accounts and registers to be kept by them ;

(viii) the custody, production and transfer of the accounts and other records kept by the holders of the village-offices forming classes (1) and (3) in section 3 ;

(ix) the publication of administration reports under * * *[2] the Madras Proprietary Estates' Village Service Act, 1894, and this Act ; Madras Act II of 1894.

(x) any other matters calculated to enhance the efficiency of the village service.

Jurisdiction of Civil Courts barred.

21. No Civil Court shall have authority to take into consideration or decide any claim to succeed to any of the offices specified in section 3 or any question as to the rate or amount of the emoluments of any such office or except as provided in proviso (ii) to sub-section (1) of section 13, any claim to recover the emoluments of any such office :

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[1] This section was omitted by section 3 (1) of and the Second Schedule to the Madras Repealing and Amending Act, 1951 (Madras Act XIV of 1951).

[2] The words and figures "The Madras Village Cess Act, 1892," were omitted by the Repealing and Amending Act, 1907 (Central Act IV of 1907), Schedule A, "

Proviso empowering Civil Courts to set aside the decisions of Revenue Courts on the question of jurisdiction.

Provided that, if, in any suit instituted under this Act, the defendant has pleaded before the Collector that a Revenue Court has no jurisdiction to entertain the suit, on the ground that no emoluments, as defined in this Act, appertain to the office in respect of which the suit is brought, and if, on appeal preferred from the decree in such suit, the appellate authority has decided adversely to such plea, the defendant may, within six months from the date of the appellate decree, institute a suit in a Civil Court to set aside such appellate decree on the said ground and on that ground only.

Nothing in this Act to prevent recovery of emoluments as arrears of revenue or to affect office which is not now hereditary.

22. Nothing herein contained shall affect the provisions of section 52 of Madras Act II of 1864 or the provisions of Madras Act IV of 1866 or, except as provided in sub-section (1) of section 6, shall be deemed to create or confer an hereditary right to any village-office.

Appeal against order or decree of Collector.

23. (1) From every order passed by a Collector under section 6 or 7, and from every decree or order passed by a Collector in a suit preferred under section 13, an appeal shall lie, within one month, to the District Collector, or, if the said order or decree was passed by the District Collector, an appeal shall lie, within three months, to the Board of Revenue. The decision, on appeal, of the District Collector or the Board of Revenue, as the case may be, shall be final:

Second appeal in certain cases.

Provided that, in respect of the offices of head of the village and village accountant, a second appeal shall lie, within three months, to the Board of Revenue, against the [1] [decision on appeal of the District Collector—

(*a*) in suits preferred under section 13, or

(*b*) dismissing or removing such village-officer].

Appeals against order of Tahsildar, Deputy Tahsildar, or proprietor.

(2) From every order passed by a Tahsildar or Deputy Tahsildar under sub-section (2) of section 7, and from every order passed by a proprietor under section 8, an appeal shall lie, within one month, to the Collector whose decision shall be final.

[2] [23-A.]

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[1] The portion within square brackets was substituted for the words and figures "decision on appeal of the District Collector in suits preferred under section 13 and in cases of dismissal of a village-officer under section 7" by section 3 (*e*) of the Madras Proprietary Estates' Village-service and Hereditary Village-offices (Amendment) Act, 1941 (Madras Act XVIII of 1941) re-enacted permanently by section 2 (1) of, and the First Schedule to, the Madras Re-enacting Act, 1949 (Madras Act X of 1949).

[2] This section which was inserted by section 1 of the Madras Village offices (Amendment) Act, 1897 (Madras Act II of 1897) was omitted by section 3 (1) of, and the Second Schedule to, the Madras Repealing and Amending Act, 1951 (Madras Act XIV of 1951).

Disposal of appeal by officer who passed original order.

24. If the officer to whom an appeal is presented under this Act in the capacity of District Collector or Collector happens to be the officer who passed the decision which is appealed against in another capacity, he shall report the fact to the Board of Revenue or to the District Collector, as the case may be, and the appeal shall be disposed of by the said Board or District Collector and the order passed on appeal shall be final.

Certain provisions of Limitation Act to apply.

25. The provisions of sections 5 and 12 of the Indian Limitation Act, 1877[1], so far as they relate to suits, appeals and applications, shall *mutatis mutandis*, apply to suits, appeals, or applications for the execution of decrees or orders, instituted, preferred or made under this Act. Central Act XV of 1877.

Power of Government to place village watchman under police authorities.

26. The Government may declare that the powers of punishing village officers which are vested in the Collector by this Act and by the Madras Proprietary Estates' Village Service Act, 1894, shall be exercised in any specified local area by the District Superintendent or Assistant Superintendent of Police in respect of all, or any of, the village watchmen or police-officers in that local area. From every order fining, suspending, dismissing or removing a village watchman or police-officer passed by a District Superintendent or Assistant Superintendent of Police by virtue of a declaration made under this section, an appeal shall lie, within one month, to the District Magistrate, whose decision shall be final. Madras Act II of 1894.

MADRAS ACT No. III OF 1896.[2]

[THE MALABAR LAND REGISTRATION ACT, 1895.]

[31*st March* 1896.]

An Act to make better provision for the registration of proprietors of estates subject to the payment of revenue direct to Government in Malabar and the Wynaad.

Preamble.

WHEREAS Regulation XXVI of 1802 provides that landed property paying revenue to Government shall be registered by the Collector; and whereas such landed property in Malabar and the Wynaad has in many cases not been registered

[1] *See* now the Indian Limitation Act, 1908 (Central Act IX of 1908).

[2] For Statement of Objects and Reasons, *see Fort St. George Gazette* Supplement, dated 15th October 1895, p. 3; for Report of the Select Committee, *see ibid*, dated 19th November 1895, p. 1; for Proceedings in Council, *see ibid*, dated 3rd December 1895, p. 7 and *ibid*, dated 7th January 1896, p. 9.